

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Nicholas Stroeder,

Civ. No. 14-2952 (PAM/JJK)

Plaintiff,

v.

ORDER

Steve Hammer, Scott
Yozame, Sandra O'Hara,
and Greg Smith,

Defendants.

This matter is before the Court on Plaintiff Nicholas Stroeder's Motion for Reconsideration. Stroeder seeks reconsideration of this Court's Order (Docket No. 6) affirming Magistrate Judge Jeffrey J. Keyes's Amended Order that denied Stroeder's application to proceed in forma pauperis ("IFP") in this § 1983 case. Magistrate Judge Keyes's Order was based on the three-strikes provision of the Prison Litigation Reform Act, 28 U.S.C. § 1915(g).

Stroeder alleges in this Motion that he was released from incarceration on September 15, 2014. Thus, he contends that he is not subject to the PLRA and that the Court should re-evaluate his IFP application. But at the time he filed this lawsuit, he was incarcerated and thus the provisions of § 1915(g) applied. There is no "savings clause" in the statute; it does not provide that once a prisoner is released from incarceration, all previous lawsuits, even if deemed frivolous or otherwise subject to the three-strikes provision, are reinstated.

At the time Stroeder filed this case, he was in prison. Magistrate Judge Keyes therefore correctly found him subject to the PLRA and evaluated his case accordingly. And Magistrate Judge Keyes correctly determined that Stroeder had filed multiple lawsuits in this District, nearly all of which had been summarily dismissed as frivolous. Thus, when this Court affirmed Magistrate Judge Keyes's Order on September 8, 2014, Stroeder was obligated to pay the full balance of the filing fee in this matter. He remains so obligated. See Crawford v. Doe, 484 F. Supp. 2d 446, 448 (E.D. Va. 2007) (plaintiff who was subject to § 1915(g) at time he filed lawsuit remained obligated to pay filing fee after his release from incarceration).

In the previous Order, this Court allowed Stroeder until October 10, 2014, to pay the filing fee. Stroeder will not likely receive the instant Order until well after that date. Thus, the Court will allow Stroeder an additional three weeks, until October 31, 2015, to pay the filing fee that is due. Should he fail to pay the fee, the Court will dismiss the case without prejudice.

Accordingly, **IT IS HEREBY ORDERED that:**

1. Plaintiff's Motion for Reconsideration (Docket No. 7) is **DENIED**; and

2. Plaintiff must pay the entire balance of the filing fee by October 31, 2014. His failure to pay the entire balance of the filing fee will result in the Court dismissing this case without prejudice.

Dated: October 15, 2014

s/ Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge